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T-577 P.01/06 F-272

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August 10, 2006

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Total number of pages, including cover letter: pages  
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## Comments

RE: Patent Application No.. 10/575,278  
Filing Date: April 10, 2006  
Inventor: James E. Van Buskirk  
Title: Method Apparatus and System for Synthesizing an Audio Performance  
Using Convolution at Multiple Sample Rates  
Please file the attached.  
Information Disclosure Statement (3 p.) (in duplicate)  
International Search Report (1 p.)  
Form PTO/SB/08A (1 p.)

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Application No.: 10/575,278  
Filing Date: April, 10, 2006  
Inventor(s): James E. Van Buskirk  
Group Art Unit: Not Assigned  
Examiner Name: Not Assigned  
Attorney Docket No.: 281450-00212  
Title: Method Apparatus and System for Synthesizing an Audio Performance Using  
Convolution at Multiple Sample Rates

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

This document is being filed pursuant to the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

**I. TIME OF FILING**

- ☒ This document is being filed in accordance with 37 C.F.R. § 1.97(b) as it is believed to be filed:
- ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
  - ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
  - ☒ before the mailing of a first Office action on the merits; or
  - ☐ before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

**OR**

Page 2 of 3

\_\_\_\_\_ This document is being filed in accordance with 37 C.F.R. § 1.97(c) as it is believed to be filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application. This Statement is accompanied by one of:

\_\_\_\_\_ the following statements; or

\_\_\_\_\_ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

\_\_\_\_\_ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

\_\_\_\_\_ The fee set forth in § 1.17(p). Fee Transmittal Form PTO/SB/17 is attached.

**OR**

\_\_\_\_\_ This document is being filed in accordance with 37 C.F.R. § 1.97(d) as it is believed to be filed on or before the payment of the issue fee and is accompanied by one of the following statements and the fee set forth in § 1.17(p). Fee Transmittal Form PTO/SB/17 is attached.

\_\_\_\_\_ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

\_\_\_\_\_ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicant(s) respectfully request that the documents listed on the attached Form PTO/SB/08A and/or Form PTO/SB/08B be considered and made of record.

**OR**

\_\_\_\_\_ It is requested that this Statement and enclosures be placed in the file. It is understood that the cited references will not be considered by the Office.

## II. FOREIGN PATENT OFFICE COMMUNICATIONS (if applicable)

- ☒ One or more of the items of information contained in the information disclosure statement were cited in a communication from a foreign patent office in a counterpart foreign application.
- ☒ A copy of the search report is attached.

## III. COPIES OF CITED REFERENCES

Because this application was filed prior to June 30, 2003, copies of the document(s) listed on the attached Form(s) PTO/SB/08A and/or PTO/SB/08B are attached.

OR

Because this application was filed after June 30, 2003, copies of non-U.S. patent citations as listed on the attached Form(s) PTO/SB/08A and/or PTO/SB/08B are attached.

AND (if applicable)

☒ All cited U.S. pending (non-published) applications listed on Form PTO/SB/08A are stored in the USPTO's IFW system. Copies are therefore not provided.

OR

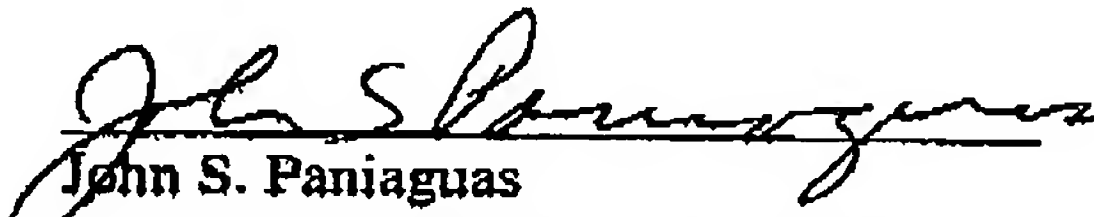
One or more of the cited U.S. pending (non-published) applications (filed prior to June 30, 2003) as listed on Form PTO/SB/08A has not been stored in the USPTO's IFW system. Copies for the unstored applications are provided herewith.

## IV. REMARKS

The above constitutes information that an Examiner may find material to the examination of the subject application; however, it does not negate the patentability of the subject invention. Furthermore, it is not intended that submission of this information be taken as a representation that a search has been made or that no information which is more material exists.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment with respect to this communication to Deposit Account No. 50-1214. A duplicate copy of this communication is enclosed.

Date: 8-10-06

By:   
John S. Paniaguas  
Attorney or Agent for Applicant(s)  
Reg. No. 31,051

